

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:12-CV-685-D

DWAYNE COFFER,

Plaintiff,

v.

WARREN COUNTY BOARD  
OF EDUCATION,

Defendant.

**ORDER**

On December 19, 2012, defendant filed a motion to dismiss count two for failure to state a claim upon which relief can be granted [D.E. 8]. On January 9, 2013, plaintiff responded in opposition [D.E. 10].

The court has considered the motion to dismiss under the governing legal standard. The motion to dismiss [D.E. 8] is DENIED.

SO ORDERED. This 11 day of February 2013.

  
JAMES C. DEVER III  
Chief United States District Judge